

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

DESHAME BRANCH,

Plaintiff(s),

vs.

V. LEAMAN, et al.,

Defendant(s).

Case No. 2:14-cv-02007-RCJ-NJK

**ORDER**

(Docket No. 1)

This matter is before the Court on Plaintiff Deshame Branch's Application to Proceed *In Forma Pauperis*. Docket No. 1. When Plaintiff initiated this case, he was incarcerated. *See id.* Plaintiff has filed a notice of change of address since that time, however, and it appears that he is no longer incarcerated. *See* Docket No. 5. To the extent Plaintiff seeks to continue pursuing this action, he must submit a new application to proceed *in forma pauperis* reflecting his current financial situation. Accordingly, Plaintiff's pending Application to Proceed *In Forma Pauperis* (Docket No. 1) is hereby DENIED without prejudice. If Plaintiff wishes to continue pursuing this lawsuit, he must file a new application to proceed *in forma pauperis* no later than **June 29, 2015**. THE FAILURE TO FILE AN APPLICATION TO PROCEED *IN FORMA PAUPERIS* BY THAT DATE WILL RESULT IN A RECOMMENDATION THAT THIS CASE BE DISMISSED.

Plaintiff should carefully consider whether he would like to continue with this case. When a prisoner initiates a lawsuit, he is ultimately responsible for paying the full amount of the filing fee even if he is granted *in forma pauperis* status. *See* 28 U.S.C. § 1915(b)(1). If a prisoner is released after initiating

1 the lawsuit, he is still ultimately responsible for paying the entirety of the fee. *See, e.g., Putzer v. Attal*,  
2 2013 WL 4519351, \*3 (D. Nev. Aug. 23, 2013) (discussing split of authority). As the Court has previously  
3 indicated, it does not appear that Plaintiff's claims will survive the pleading stage. *See* Docket No. 2. In  
4 the event that Plaintiff files a new application to proceed *in forma pauperis*, the Court will screen his  
5 complaint and at that point he will be ultimately responsible for paying the filing fee even in the event that  
6 his complaint is dismissed.

7 IT IS SO ORDERED.

8 Dated: June 10, 2015

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Nancy J. Koppe  
UNITED STATES MAGISTRATE JUDGE  
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